

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

EDENTON COTTON MILL
CONDOMINIUM HOMEOWNER'S
ASSOCIATION, INC., EDENTON
COTTON MILL PROJECT
HOMEOWNER'S ASSOCIATION, INC.,
ANN ROSENBLATT, CORDELIA R.
TYLER, LINDA BOZIK, ROBERT
PHILLIPS, SUSAN WILLIAMS, and
WILLIAM MULARIE,

Plaintiffs,

v.

NAVIGATORS INSURANCE COMPANY

Defendant.

Civil No. 2:19-cv-42

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1446, Navigators Insurance Company ("Navigators") removes this action from the Superior Court for Chowan County ("Superior Court") and states as follows:

Requirements of 28 U.S.C. § 1446

1. Pursuant to 28 U.S.C. § 1446(c)(1), this notice is being filed less than one year after commencement of this action, which was filed in the Superior Court on October 21, 2019.
2. This notice is being filed within 30 days after initial service of process pursuant to 28 U.S.C. § 1446(b)(1). Plaintiffs served the summons and complaint on the North Carolina Department of Insurance, as Navigators' statutory agent for service of process, on October 29, 2019. Navigators then received the summons and complaint on November 6, 2019, at which time the 30 day period for removal began to run.
3. Attached as Exhibit A, pursuant to 28 U.S.C. § 1446(a), are legible copies of all process, pleadings, documents, and orders that have been served upon Navigators.

4. Pursuant to 28 U.S.C. § 1446(d) Navigators is giving written notice to Plaintiff and to the Clerk of the Superior Court, which notice is being filed with the Clerk of the Superior Court.

Jurisdiction Under 28 U.S.C. §§ 1332 and 1441

5. Removal of this lawsuit is authorized by 28 U.S.C. §1441(a) because this Court has original jurisdiction over this civil action under 28 U.S.C. § 1332.

6. Plaintiffs Edenton Cotton Mill Condominium Homeowner's Association, Inc. and Edenton Cotton Mill Project Homeowner's Association, Inc. are North Carolina corporations with their principal places of business in North Carolina. They are therefore citizens of North Carolina.

7. Plaintiff Ann Rosenblatt is a natural person residing in Florida and is therefore a citizen of Florida.

8. Plaintiff Robert Phillips is a natural person residing in Massachusetts and is therefore a citizen of Massachusetts.

9. Plaintiffs Cordelia R. Tyler, Linda Bozik, Susan Williams, and William Mularie are natural persons residing in North Carolina and are therefore citizens of North Carolina.

10. Navigators is a New York corporation with its principal place of business in Connecticut. It is therefore a citizen of New York and Connecticut.

11. Diversity of citizenship exists between Plaintiffs, who are citizens of North Carolina, Florida, and Massachusetts, and Navigators, which is a citizen of New York and Connecticut.

12. Plaintiffs' complaint asserts three causes of action, seeking damages in excess of \$25,000 for each (for a total in excess of \$75,000), and additionally seeks treble damages and punitive damages.

13. This Court has original jurisdiction over the subject matter of this action under 28 U.S.C. §1332(a)(1) because this action is between citizens of different states, and the amount in controversy exceeds the sum of \$75,000.00.

This the 27th day of November 2019.

/s/ D.J. O'Brien III
D.J. O'Brien III
N.C. State Bar No. 35481
dobrien@brookspierce.com
BROOKS, PIERCE, MCLENDON,
HUMPHREY & LEONARD, LLP
1700 Wells Fargo Capitol Center
150 Fayetteville Street
Raleigh, NC 27601
Tel. (919) 839-0300
Fax (919) 839-0304

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system. I further certify that I served the foregoing document on Plaintiff's counsel by email and by depositing the same in the United States Mail, first-class postage prepaid, addressed as follows:

David S. Coats
BAILEY & DIXON, LLP
Post Office Box 1351
Raleigh, North Carolina 27602-1351

This the 27th day of November 2019.

/s/ D.J. O'Brien III
D.J. O'Brien III